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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

Situation of human rights in Burundi

1. Since the previous session of the Commission on Human Rights, the situation in Burundi has steadily deteriorated, characterized by grave and massive human rights violations and by the inability of the protagonists to put an end to the violence. The massacres that have decimated the population, without distinction as to ethnic group, and which began following the assassination of President Ndadaye in October 1993, have continued throughout this year and have practically finished off the ethnicization of urban neighbourhoods and rural hillsides.

2. The predominance of extremists of all stripes on the Burundi political scene has become more than ever a major obstacle to dialogue aimed at finding a solution to the crisis. The total paralysis of institutions led to the

military coup d'état of July 1996, which brought Major Buyoya to power, according to its instigators for the purpose of restoring peace and the rule of law to Burundi. The International Federation of Human Rights Leagues strongly condemns this coup d'état, as it violates all national laws and is certainly no solution to the serious problems the country is experiencing.

Widespread violation of human rights and in particular of the foremost human right, the right to life

3. The Federation strongly condemns the persistence of multiple violations of human rights in Burundi, and in particular the innumerable violations of the right to life. It draws the attention of the Commission to the unbelievably large number of massacres of civilian populations and selective murders committed over the past year, in the face of widespread indifference. These violations are attributable not only to armed rebel groups but also to members of the armed forces, who, under the pretext of combating the rebellion, are guilty of numerous abuses against Burundi citizens. The people are systematically held hostage by the various protagonists, who use them as a human shield or as a means of pressure.

4. Furthermore, today, practically the entire territory of Burundi is divided into "ethnically purified" zones under the control of one faction or another, which adversely affects freedom of movement and makes it mortally dangerous to attempt to cross into a different ethnic zone.

Combating impunity and the right to justice

5. The Burundi courts, which had completely ceased to function, have been operating again for a year now. While the Federation welcomes the revival of the Burundi justice system, it can only regret the conditions under which trials are taking place. The essential guarantees of the right to a fair trial are not being observed, and the courts are empowered to pronounce death sentences. Only rarely do the accused receive the assistance of counsel, not only because resources are lacking but also because there are not enough Burundi lawyers, and what lawyers there are are afraid of defending people who do not belong to their own ethnic group under threat of reprisals against either them or members of their families.

6. The Federation welcomes the fact that members of the armed forces have been tried for their abuses, but regrets that none of those responsible for the assassination of President Ndadaye has yet been brought to justice, nor have the high-ranking officers responsible for the inadmissible conduct of certain army elements, who have been violating human rights for more than three years.

7. The Federation also wishes to express its profound concern at the incredibly large number of death sentences handed down by the courts since the revival of judicial activity; it reiterates its principled opposition to the application of that sentence.

Economic and social rights

8. Following Major Buyoya's coup d'état of July 1996, neighbouring countries have decreed a total embargo against Burundi.

9. The Federation strongly condemns the tragic impact of this embargo on the basic living conditions of the population. This measure, normally intended to deprive the parties to a conflict of the resources needed to prolong the crisis - whereas it is well-known that each camp has "base camps" in neighbouring countries - has provoked a staggering rise in the cost of living, speculation on staple commodities and an appalling deterioration in the situation of people who no longer have access to food or basic medicine. Emaciated persons are encountered with increasing frequency in Burundi, their skin and hair turned yellow as a result of privation.

Recommendations

11. In the face of the sharp deterioration of the human rights situation and the appalling conditions in which the population is forced to live, the Federation urges the Commission to:

(i) Strongly condemn the grave violations of human rights, including the massacres of civilians and the selective murders which continued to be committed in Burundi;

(ii) Condemn the coup d'état of July 1996 and call on the Burundi authorities to restore legality as quickly as possible;

(iii) Urge the protagonists in the crisis to put a stop to the armed violence and renew the dialogue;

(iv) Ask the Burundi authorities to put an end to the impunity prevailing in the country, inter alia by strengthening the means available to the judicial system and by scrupulously ensuring the independence of the courts;

(v) Exhort States, and in particular those neighbouring States that are applying the embargo, to lift the embargo on staple commodities for the population;

(vi) Call on the international community to pursue and increase its assistance to Burundi in order to put an end to the violence;

(vii) Urge the international community to provide the assistance needed for the proper functioning of the Burundi legal system, so that the perpetrators of grave violations of human rights can be rapidly brought to justice;

(viii) Request the High Commissioner for Human Rights to increase the number of human rights observers so that they can be deployed throughout Burundi territory;

(ix) Renew the mandate of the Special Rapporteur on the situation of human rights in Burundi and ask the Centre for Human Rights to make available to him all the means he needs to fulfil his mandate rapidly.